



BOARD OF ZONING APPEALS

Minutes of the Meeting

May 9, 2012

ATTENDANCE	A regular meeting of the Zoning Board of Appeals was held on Wednesday, May 9, 2012, in the Fourth Floor Council Chambers of the Sumter Opera House, 21 N. Main Street. Eight board members – Mr. J. Seth; Mr. James Price; Mr. Sam Lowery; Ms. Betty Clark; Mr. Patrick Flaherty; Ms. Kay Stockbridge; Mr. Jimmy Lowery; Ms. Sonya Davis and the secretary were present. Mr. John Acken was absent. The meeting was called to order at 3:00 p.m. by Mr. J. Seth.
MINUTES	A motion to approve the minutes of the April 11, 2012, meeting was made by Mr. Patrick Flaherty. The motion was seconded by Mr. Sam Lowery and carried a unanimous vote.
NEW BUSINESS	<p>BOA-12-18, Slidingrock Lane – Cascades Subdivision (City) was presented by Ms. Claudia Rainey. The board reviewed the applicant's request for a variance in the front yard setback for Cascades Subdivision (Lots 1 through 9) to allow for a 20 foot front yard setback instead of the required 35 feet per Article 3, Section 3.i.5 Residential Development Standards for General Commercial. The properties are located at 810-890 Slidingrock Lane and are represented by Tax Map #'s 230-16-03-033 thru 230-16-03-041. Mr. Larry Bandstra was present and spoke on behalf of the request. After little discussion, Mr. Patrick Flaherty made a motion to approve this request subject to the findings of fact and conclusions contained in the draft order, dated May 9, 2012. The motion was seconded by Mr. Jimmy Lowery and carried a unanimous vote. The request was approved.</p> <p>BOA-12-19, 4790 Amonn Rd. (County) was presented by Ms. Claudia Rainey. The board reviewed the applicant's request for Special Exception approval to construct a Poultry House per Article 3, Section 3.n.4.b, Article 3, Exhibit 5 and Article 5, Section 5.b.3.g Special design Review Criteria. The property is located at 4790 Amonn Rd. and is represented by Tax Map #241-00-01-012. Mr. Richard McDaniel and Mr. Ron Prestage, a representative for the applicant were present and spoke</p>

	<p>on behalf of the request. Mr. Steven DesChamps was present and spoke in opposition of the request on behalf of Ms. Pamela Adkins, a surrounding neighbor. After some discussion, a motion was made by Mr. Patrick Flaherty to approve this request subject to the findings of fact and conclusions contained in the draft order, dated May 9, 2012. The motion was seconded by Mr. Jimmy Lowery and carried a six in favor-Flaherty, Clark, Price, S. Lowery, J. Lowery, Davis and one in opposition-Stockbridge vote. The request was approved.</p> <p>BOA-12-20, 629 Periwinkle Court (City) was presented by Ms. Donna McCullum. The board reviewed the applicant's request for a variance of 1.5 feet from the 5 foot side setback requirement for placement of an accessory building per Article 4, Section 4.g.2.b.5 Development Standards for Residential Accessory Buildings. The property is located at 629 Periwinkle Ct. and is represented by Tax Map #204-07-01-029. Mr. Derrick Russell and Mr. James Davis were present and spoke on behalf of the request. After some discussion, a motion was made by Mr. James Price to approve this request subject to the findings of fact and conclusions contained in the draft order, dated May 9, 2012 as articulated by the applicant. The motion was seconded by Mr. Jimmy Lowery and carried a six in favor-Flaherty, Price, S. Lowery, J. Lowery, Davis, Stockbridge and one in opposition-Clark vote. The request was approved.</p> <p>BOA-12-21, 504 W. Oakland Avenue (City) was presented by Ms. Donna McCullum. The board reviewed the applicant's request for a variance from the minimum lot size of 10,000 sq. ft. to 7,400 sq. ft. and a side setback requirement from 5 feet to 3 feet 5 inches in order to convert a single dwelling into a duplex unit per Article 3, Exhibit 1 Development Standards for Uses in Residential 6 zoning district. The property is located at 504 W. Oakland Ave. and is represented by Tax Map #227-03-04-015. Rev. Marion Newton, Esther Farmer, and James Davis were present and spoke on behalf of the request. After little discussion, a motion was made by Ms. Kay Stockbridge to approve this request subject to the findings of fact and conclusions contained in the draft order, dated May 9, 2012. The motion was seconded by Ms. Betty Clark and carried a unanimous vote. The request was approved.</p>
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<p>OTHER BUSINESS</p>	<ul style="list-style-type: none"> ❖ Mr. George McGregor briefed the Board on the Ordinance changes that were adopted by County Council regarding Electronic Gaming Establishments. ❖ Ms. Kathy Ward, representing both the Sumter Police Department and the Sumter County Sheriff's Office presented a unified position statement from both Offices' regarding Electronic Gaming Establishments.
<p>NEW BUSINESS CONTINUED</p>	<p>BOA-12-08, 5664 Broad Street (County) was presented by Ms. Helen Roodman. The board reviewed the applicant's request for Special Exception approval for an Electronic Gaming Establishment as required per Article 3, Section 3.i.4.j Electronic Gaming Establishments (SIC 7999), Article 3, Exhibit 5 and Article 5, Section 5.b.3.k Special Design Review Criteria. The property is located at 5664 Broad St. and is represented by Tax Map #131-00-02-024. These businesses are often called Internet cafes, cybercafés, or sweepstakes parlors and include sweepstakes promotions using simulated gambling devices. Mr. Ceth Land, representing the applicant Mr. Ryles, and Ms. Ella Williams were present and spoke on behalf of the request. Ms. Esther Farmer and Ms. Joan Pollard were present and spoke in opposition of the request. After some discussion, a motion was made by Mr. Patrick Flaherty to approve this request subject to the findings of fact and conclusions contained in the draft order, dated May 9, 2012. After more discussion from board members the motion was seconded by Mr. Jimmy Lowery and carried a five in favor-Flaherty, J. Lowery, Davis, S. Lowery, Price and two in opposition-Stockbridge, Clark vote. The request was approved.</p> <p>BOA-12-05, 1215 S. Guignard Drive (County) was presented by Ms. Helen Roodman. The board reviewed the applicant's request for Special Exception approval for an Electronic Gaming Establishment as required per Article 3, Section 3.i.4.j Electronic Gaming Establishments (SIC 7999), Article 3, Exhibit 5 and Article 5, Section 5.b.3.k Special Design Review Criteria. The property is located at 1215 S. Guignard Dr. and is represented by Tax Map #226-13-01-007. These businesses are often called Internet cafes, cybercafés, or sweepstakes parlors and include sweepstakes promotions using simulated gambling devices. Mr. Terry Land was present and spoke on behalf of the request. After little discussion, a motion was made by Mr. James Price to</p>

	<p>accept staff recommendation and approve this request. The motion was seconded by Mr. Sam Lowery and carried a five in favor-Flaherty, J. Lowery, Davis, S. Lowery, Price and two abstentions-Stockbridge, Clark vote. The request was approved.</p> <p>BOA-12-12, 2250 Peach Orchard Rd. (County) was presented by Ms. Helen Roodman. The board reviewed the applicant's request for Special Exception approval for an Electronic Gaming Establishment as required per Article 3, Section 3.i.4.j Electronic Gaming Establishments (SIC 7999), Article 3, Exhibit 5 and Article 5, Section 5.b.3.k Special Design Review Criteria. The property is located at 2250 Peach Orchard Rd. and is represented by Tax Map #133-02-02-004. These businesses are often called Internet cafes, cybercafés, or sweepstakes parlors and include sweepstakes promotions using simulated gambling devices. Mr. Ceth Land, representing the applicant Mr. Charles Ward, was present and spoke on behalf of the request. Ms. Denise Spivey was present and spoke in opposition of the request. After much discussion, a motion was made by Mr. Patrick Flaherty to accept staff recommendation and approve this request. The motion was seconded by Mr. James Price and carried a three in favor-Flaherty, Price, J. Lowery and four in opposition-Davis, S. Lowery, Stockbridge, Clark vote. The motion failed. Discussion continued between board members and a motion was made by Ms. Kay Stockbridge to deny this request based on the following conclusions and as indicated on exhibit 1.</p> <ol style="list-style-type: none"> a. <u>The proposed use is adjacent to an established child care center.</u> b. <u>The proposed use is adjacent to Shaw A.F.B.</u> c. <u>The proposed use is not in substantial harmony with the surrounding area. It is not the proper location for such use.</u> <p>The motion was seconded by Mr. Sam Lowery and carried a four in favor-Stockbridge, S. Lowery, Clark, Davis and three in opposition-Price, Flaherty, J. Lowery vote. The request was denied.</p> <p>BOA-12-13, 2860 Hwy. 15 South (County) was presented by Ms. Helen Roodman. The board reviewed</p>
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the applicant's request for Special Exception approval for an Electronic Gaming Establishment as required per Article 3, Section 3.i.4.j Electronic Gaming Establishments (SIC 7999), Article 3, Exhibit 5 and Article 5, Section 5.b.3.k Special Design Review Criteria. The property is located at 2860 Hwy. 15 South and is represented by Tax Map #223-08-01-005. These businesses are often called Internet cafes, cybercafés, or sweepstakes parlors and include sweepstakes promotions using simulated gambling devices. Mr. Ceth Land, representing the applicant Mr. Charles Ward, was present and spoke on behalf of the request. Ms. Denise Spivey and Mr. Dan Spivey were present and spoke in opposition of the request. After much discussion, a motion was made by Mr. Patrick Flaherty to approve this request subject to the findings of fact and conclusions contained in the draft order, dated May 9, 2012. The motion was seconded by Mr. Jimmy Lowery and carried a three in favor-Flaherty, Price, J. Lowery and four in opposition-Davis, S. Lowery, Stockbridge, Clark vote. The motion failed. Discussion continued between board members and a motion was made by Ms. Kay Stockbridge to deny this request subject to the findings of fact and conclusions contained in the draft order, dated May 9, 2012 to include the following:

- a. The Lakewood Links residential subdivision is located in close proximity.
- b. The proposed Special Exception may not be in substantial harmony with the area in which it is located.
- c. The proposed use may have a negative effect on the Lakewood Links residential golf community.

The motion was seconded by Ms. Betty Clark and carried a four in favor-Stockbridge, S. Lowery, Clark, Davis and three in opposition-Price, Flaherty, J. Lowery vote. The request was denied.

BOA-12-04, 4362 Broad Street (County) was presented by Ms. Helen Roodman. The board reviewed the applicant's request for Special Exception approval for an Electronic Gaming Establishment as required per Article 3, Section 3.i.4.j Electronic Gaming Establishments (SIC 7999), Article 3, Exhibit 5 and

	<p>Article 5, Section 5.b.3.k Special Design Review Criteria. The property is located at 4362 Broad St. and is represented by Tax Map #155-02-01-007. These businesses are often called Internet cafes, cybercafés, or sweepstakes parlors and include sweepstakes promotions using simulated gambling devices. Mr. Terry Land was present and spoke on behalf of the request. After some discussion, a motion was made by Mr. Patrick Flaherty to approve this request subject to the findings of fact and conclusions contained in the draft order, dated May 9, 2012. The motion was seconded by Mr. Sam Lowery and carried a five in favor-Flaherty, J. Lowery, Davis, S. Lowery, Price and two in opposition-Stockbridge, Clark vote. The request was approved.</p> <p>BOA-12-23, 1236 Peach Orchard Road (County) was presented by Mr. George McGregor. The board reviewed the applicant's request for Special Exception approval for an Electronic Gaming Establishment as required per Article 3, Section 3.i.4.j Electronic Gaming Establishments (SIC 7999), Article 3, Exhibit 5 and Article 5, Section 5.b.3.k Special Design Review Criteria. The property is located at 1236 Peach Orchard Rd. and is represented by Tax Map #132-09-02-059. These businesses are often called Internet cafes, cybercafés, or sweepstakes parlors and include sweepstakes promotions using simulated gambling devices. Ms. Linda Fox was present to speak on behalf of the request for the applicant, Mr. John Fannin. Mr. Harry Vaughn, Ms. Joan Pollock and Mr. Frank Furgess were present and spoke in opposition of the request. After much discussion, a motion was made by Mr. Patrick Flaherty to approve this request subject to the findings of fact and conclusions contained in the draft order, dated May 9, 2012. The motion was seconded by Mr. James Price and carried a three in favor-Flaherty, Price, J. Lowery and four in opposition-Davis, S. Lowery, Stockbridge, Clark vote. The motion failed. Discussion continued between board members and a motion was made by Ms. Kay Stockbridge to deny this request subject to the findings of fact and conclusions contained in the draft order, dated May 9, 2012 to include the following:</p> <ul style="list-style-type: none"> a. <u>The proposed use is in close proximity to an existing child care center.</u> b. <u>The proposed use is in close proximity to the Lost Creek residential subdivision.</u>
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	<p>c. <u>The proposed location will not be in substantial harmony with the area in which the proposed facility would be located.</u></p> <p>d. <u>The Board received testimony from several citizens opposed to the use in this location, including a citizen petition from the Lost Creek subdivision.</u></p> <p>The motion was seconded by Ms. Betty Clark and carried a four in favor-Stockbridge, S. Lowery, Clark, Davis and three in opposition-Price, Flaherty, J. Lowery vote. The request was denied.</p> <p>BOA-12-26, 1154 Pocalla Road (County) was presented by Mr. George McGregor. The board reviewed the applicant's request for Special Exception approval for an Electronic Gaming Establishment as required per Article 3, Section 3.i.4.j Electronic Gaming Establishments (SIC 7999), Article 3, Exhibit 5 and Article 5, Section 5.b.3.k Special Design Review Criteria. The property is located at 1154 Pocalla Rd. and is represented by Tax Map #226-13-01-003. These businesses are often called Internet cafes, cybercafés, or sweepstakes parlors and include sweepstakes promotions using simulated gambling devices. Mr. Ronnie Davis was present and spoke on behalf of the request for the applicant, Mr. John Fannin. After little discussion, a motion was made by Mr. Patrick Flaherty to accept staff recommendation and approve this request. The motion was seconded by Mr. James Price and carried a five in favor-Flaherty, J. Lowery, Davis, S. Lowery, Price and two abstentions-Stockbridge, Clark vote. The request was approved.</p>
ADJOURNMENT	<p>With no further business, a motion to adjourn was made at approximately 6:25 p.m. by Mr. James Price. The motion was seconded by Mr. Sam Lowery and carried a unanimous vote.</p> <p>The next regularly scheduled meeting will be on June 13, 2012.</p>
	<p>Respectfully submitted,</p> <p><i>Julie A. Scarborough</i></p> <p>Julie A. Scarborough, Board Secretary</p>